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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,615	05/16/2001	George W. Landry	MPS / 30DV3	4415

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EXAMINER

KESACK, DANIEL

ART UNIT

PAPER NUMBER

3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/859,615

Applicant(s)

LANDRY, GEORGE W.

Examiner

Dan Kesack

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Remarks filed January 10, 2007 have been fully considered. Claims 25-58 are currently pending. The rejections are as stated below.

Response to Arguments

2. Applicant's arguments, see remarks, filed January 10, 2007, with respect to the improper rejection of claims 1-24, which were cancelled pursuant to a preliminary amendment filed May 16, 2001, is noted. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made, detailed below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 25-38, 40-55, 57, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kight, U.S. Patent No. 5,383,113, in view of Pickering, U.S. Patent No. 5,483,445.

Claims 25-28, 42-45, Kight discloses a system and method for electronic payment of bills, financial analysis and loans, comprising storage for payee information for each of a plurality of payees, storage for payor information for each of a plurality of payors, payor information including parameters established by the payor for enabling transfers of funds to the payee from the payor, and identifying a plurality of payees authorized by the payor to receive transfer of funds from the payor (column 3 lines 3, 30-36), and control parameters defining the manner in which transfer of funds are to be performed (column 1 line 66 – column 2 line 2).

Kight fails to teach a payee communications interface receiving bill data from each of said payees, and generating one or more electronic funds transfer messages to the payee and payor.

Pickering discloses an automated consolidation system and method comprising periodic electronic transfer of billing information from payees to the bill paying system (abstract). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Kight to include electronic transfer of billing information from payees to payors because it would relieve the burden of transferring this information themselves and it would be more efficient than the payees transferring this information outside the system.

Furthermore, Pickering also teaches a funds transfer interface generating one or more electronic funds transfer messages to the payee and the payor (column 8 lines 1-23). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Kight to include sending an electronic transfer message to the payor and the payee because the security and integrity of electronic transactions is desirable, and a confirmation of a completed transaction enhances these features.

Claims 29, 46, Kight teaches the interactive device comprises a telephone under the control of the payor, and said transactions are presented to a payor via the telephone (abstract, and column 3 lines 55 – column 4 line 28).

Claims 30, 47, Kight teaches the transactions are presented to the payor via a telephone, computer terminal, or any other telecommunication means (abstract). While Kight does not specifically teach an ATM, ATMs are well known in the art to be

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telecommunications device, as well as computer terminals dedicated to financial transactions.

Claims 31-34, 48-51, Kight teaches the transactions identify a date by which funds are to be transferred from a payor to a payee in payment of a bill (column 3 lines 30-54).

Claims 35-37, 52-54, Kight teaches identifying the payee as the one originating the bill, identifying a payee by name, and identifying a payee by an identifier, wherein a payee's name is considered an identifier (column 3 line 55 – column 4 line 28).

Claims 38, 55, Kight teaches presenting to the payor one or more functions, and the payor communication interface is responsive to a payor's selection of a function at the interactive device (figure 3).

Claims 40, 57, Kight teaches the maximum amount is set when the payor sets said maximum amount. However, Kight and Pickering fail to specifically teach preventing transferring of funds which exceed the maximum amount specified by the payor.

Official Notice is taken that it is old and well known in the art to have error messages generated to alert the user to problems and conflicts. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to

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modify the teachings of Kight and Pickering to include generating an error message if the transaction does not meet a predefined criteria, such as a maximum amount, because it would provide the user with an indication of the problem, allowing the user to take corrective action.

Claims 41, 58, Kight teaches preventing a transfer of funds if any other transfer of funds for the payor and payee occurred during the minimum time set interval, wherein the payor established time intervals are considered a minimum time set between which billing transfers are prevented (column 3 lines 44-45).

6. Claims 39 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kight and Pickering, as applied above, and further in view of Hilt, U.S. Patent No. 5,465,206.

Kight and Pickering fail to teach payors sending messages through the payor control interface which affect electronic fund transfer transactions which reverse transfers which have been made due to payee-initiated modifications in the billing information.

Hilt discloses an automated bill paying system serving a plurality of payees and a plurality of payors. Hilt teaches payment reversal messages (column 15, lines 29-38). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Kight and Pickering to include payment

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reversal messages because it is desirable to have a mechanism for correcting billing errors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HANI M. KAZIMI
PRIMARY EXAMINER